

## Perceptions of safety, fear and social change in the public's pro-death penalty discourse in mid twentieth-century Britain

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***Perceptions of safety, fear and social change in the public's pro-death penalty discourse in mid twentieth-century Britain.*** Lizzie Seal, University of Sussex

*Abstract: Following the Second World War, capital punishment in Britain became an increasingly contentious issue. This article draws on research carried out into public responses to the death penalty in mid twentieth-century Britain. It is the first to examine the public's pro-death penalty discourse as it was framed in relation to fears about safety and order in society. I argue that public responses help to shed light on continuities in punitive discourse and its relationship with anxieties about social change. Although criminological literature has frequently placed such sentiments within the context of social and cultural shifts in late modern societies since the 1970s, this article demonstrates that crime had a similar role as a condensing symbol for fears about social change in the 1940s and 50s.*

In June 1956, a man from Boston, Lincolnshire wrote to the Home Secretary, David Maxwell Fyfe, expressing his frustration about the upcoming free vote in the House of Commons on Labour MP Sydney Silverman's private member's bill to abolish the death penalty. In the writer's view, abolition should not be countenanced. He could not 'understand a Conservative Government giving so little consideration to the safety, feelings of [the] ordinary decent law abiding citizen'.<sup>1</sup> The vote was passed by an overwhelming majority. A woman from Sudbury, Suffolk was dismayed. She argued in her letter to Maxwell Fyfe that 'For the safety and preservation of the human race "a life for a life" has got to be the law'.<sup>2</sup>

These letter writers expressed pro-death penalty discourse because for them the retention of capital punishment was essential for safety, security and stability. They wrote at a time when the death penalty in Britain had become an increasingly contested penal practice.<sup>3</sup> Although Silverman's Death Penalty (Abolition) Bill was defeated in the House of Lords, politically and culturally the tide seemed to be turning towards abolition. The Labour Party had failed to end capital punishment while in Government but the majority of its MPs supported abolition.<sup>4</sup> Crucially, opinion had also shifted in this direction amongst Conservative MPs.<sup>5</sup>

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<sup>1</sup> Letter, male author [chemist and optician], Boston, 27 June 1956, TNA/HO291/96. For reasons of anonymity, I have not included letter writers' names.

<sup>2</sup> Letter, female author, Sudbury, 28 June 1956, HO291/96.

<sup>3</sup> See (Seal 2014a, Chapter 1).

<sup>4</sup> Bailey (2000) discusses the consequences of the difference in opinion between the postwar Labour Cabinet, which decided retention was best, and the wider parliamentary party, which was largely abolitionist.

<sup>5</sup> Wright (2014) identifies the significant minority of Conservative MPs, born after 1920, who supported abolition alongside the majority of Labour MPs as crucial to ultimately helping to end the death penalty in Britain in 1965. For other recent examinations of the death penalty in twentieth-century Britain, see (Hammel, 2010, pp. 86-115; Rowbotham, 2010, pp. 184-8; Twitchell, 2012; Seal, 2014a).

The troubling, high profile cases of Timothy Evans, Derek Bentley and Ruth Ellis had revealed significant flaws in the death penalty – it could be overly harsh, it could be unfair and it could be applied to the wrong person.<sup>6</sup> By the mid-1950s, capital punishment was a salient issue. Not only was it debated in Parliament, it was a hot topic in the popular press. The *Daily Mirror*, the *Daily Herald* and the *Picture Post* favoured abolition. The *Daily Mail* and *Daily Express* urged retention.<sup>7</sup> This increased salience of the death penalty had been growing since the end of the Second World War.

I have argued previously that although it would be an overstatement to say that public opinion had shifted sufficiently to support abolition, the British death penalty was the focus of cultural anxiety and ambivalence by the mid-50s.<sup>8</sup> Taking the temperature of historical public opinion presents methodological challenges, even for the recent past. There are opinion polls on the issue of capital punishment in Britain from the 1930s onwards.<sup>9</sup> These are a useful resource in terms of gaining a broad brush picture of people's opinion in the abstract and show fluctuations in approval at certain points.<sup>10</sup> More recent work on attitudes to the death penalty in retentionist countries highlights the limitations of such polls. Surveys that contain vignettes of cases, rather than only questions about approval or opposition in the abstract, reveal views shift according to the details of the crime, mitigating factors and the nature of the victim.<sup>11</sup>

In order to gain a richer understanding of public attitudes to capital punishment in mid twentieth-century Britain, this article draws on letters that individuals sent to successive Home Secretaries about this issue. These can be found in capital case files held in The National Archives and were responses both to particular cases and to mooted legislative changes. In order to establish manageable limits on the study from which this article draws, twenty five cases were selected and a further eight Home Office files containing letters from the public on capital punishment. Cases were selected in relation to volume of correspondence after reviewing all relevant open files 1930-65.

In the 1930s and early 40s, letters in case files were mainly from individuals from the same locale as the condemned and with direct connections to them, whereas by the late 1940s high profile cases attracted a greater number of letters, which were mainly sent by people with no connection to the condemned and who were geographically dispersed. A large number of letters in a case file from the

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<sup>6</sup> On these pivotal cases see (Seal, 2014, p. 23).

<sup>7</sup> On press representations of the issue of the death penalty in the 1950s see (Twitchell, 2012, Chapter 12; Seal, 2014a, pp. 41-51).

<sup>8</sup> (Seal, 2014a, p. 13).

<sup>9</sup> For an overview see (Erskine, 1970).

<sup>10</sup> See also (Seal, 2014a, pp. 99-100).

<sup>11</sup> See (Gross, 1998; Hood and Seemungal, 2011; Burgason and Pazzani, 2014).

1930s was around thirty; by the 1950s high profile cases could attract hundreds.<sup>12</sup> Selection of cases was adjusted to ensure representation across the time period. Altogether, around 3000 letters were included in the study and were analysed thematically to identify the symbolic meanings their authors attached to the death penalty. Most of the letters were signed and bear the author's address; frequent use of first initials rather than names limits how far the gender breakdown can be determined.<sup>13</sup> Length varies but two or three sides of A5 sized paper is fairly typical.

Mass Observation's Capital Punishment Surveys from 1948 and 1955-6 are also employed as sources of qualitative public opinion.<sup>14</sup> These were commissioned by the *Daily Telegraph* and contained open ended questions on how respondents felt about capital punishment and, in the later survey, on whether anything the respondent 'had seen, heard or read' had influenced their views on the death penalty.<sup>15</sup> Mass Observation is a research organisation committed to understanding everyday life. In its original incarnation from 1937 to the mid-1950s, it employed a range of methods to study a wide array of topics. Among its interests was the formation of opinion, especially the relationship between 'feeling, thought and action'.<sup>16</sup> The open ended questions are a valuable source of people's emotions about the death penalty, as well as the particular cases or issues that influenced their views.

These sources are not demographically 'representative' of public opinion at the time. The letter writers in particular were unusual in their motivation to write to the Home Secretary. As might be expected, where people wrote in relation to individual cases, their responses were skewed towards asking for a reprieve and highlighting flaws in the death penalty. However, as Natalie Zemon Davis argues, such letters have the advantage of containing relatively uninterrupted narratives, which express contemporary cultural and social norms.<sup>17</sup> As a source of public response, they provide access to the kinds of symbolic meanings that individuals attached to capital punishment. Kerstin Bruckweh's study of letters sent about German child murderer, Jurgen Bartsch, in the 1960s and 70s found that they articulated 'desires for punishment and explanations for the cruel murderer but also unveil[ed] perceptions of democracy'.<sup>18</sup> Therefore, they were sources of opinion about democracy, the state and the rule of law.

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<sup>12</sup> See (Seal, 2014b) for a discussion of this shift and the reasons for it.

<sup>13</sup> For further discussion of strengths weaknesses of the letters as sources of public opinion see (Seal, 2016).

<sup>14</sup> In 1948, the survey found that in response to whether there should be a 5 year suspension of hanging, 69% disapproved, 13% approved, 7% approved for certain murders and 4% had mixed feelings, (Langhamer, 2012, p. 426). In 1956, the survey found 49% approved of hanging for all murders, 7% for certain degrees of murder, 18% disapproved of hanging, 25% was undecided and 1% gave mixed replies, (Langhamer, 2012 p. 432).

<sup>15</sup> Report on Survey, Correspondence 1956, Capital Punishment Survey 1955-6, MOA-72-2-A.

<sup>16</sup> (Langhamer, 2012, p. 418).

<sup>17</sup> (Davis, 1987, pp. 4-5).

<sup>18</sup> (Bruckweh, 2006, p. 53).

Here, the focus is on the numerically less well represented responses that were pro-death penalty and emphasised the theme of safety, pulling in related issues of fear and anxieties about social change.<sup>19</sup> They are drawn from the postwar section of the sample and were in response to proposed changes of legislation, or to cases where the author was not connected to the condemned.<sup>20</sup> There are important continuities between the kinds of punitive discourse expressed by these mid twentieth-century letter writers and survey respondents, and contemporary findings about approval for harsh punishment. Criminological literature has frequently placed such sentiments within the context of social and cultural shifts in late modern societies since the 1970s, particularly the erosion of the welfare state and the rise of neoliberalism.<sup>21</sup> However, capital crimes were also condensing symbols for anxieties about fast paced social change, declining morality and criminal ‘others’ from the late 1940s to the early 1960s.

#### Crime, fear and social change

Views on punishment relate to wider issues of collective morality, emotion and responsibility.<sup>22</sup> In this sense, reactions to crime and punishment are also expressive of other values. Capital punishment is especially symbolic as it ‘relates to questions of political and cultural sovereignty’.<sup>23</sup> After the Second World War, the death penalty in Britain became representative of the imagined national community. This refers to the national identity shared by members of the nation, which relies on ‘imagined’ rather than face-to-face relationships. It can be understood by its members as contiguous with the moral community.<sup>24</sup> Crime and punishment are entwined with perceptions of morality and easily become symbolic of the state of national and local communities. Capital crimes are particularly expressive as they implicate issues of life and death.

Fear of crime, and associated beliefs in the need for strong punishment, ‘represent things above and beyond the (actuarially considered) possibility of victimization’.<sup>25</sup> Rather, fear expresses cultural anxieties that share meanings with crime, such as worsening social relations and unwelcome social

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<sup>19</sup> The predominant symbolic meaning associated with the death penalty in letters from the public was justice, which can be divided further into themes of doubt about the conviction, the need to recognise mitigation, concerns about arbitrariness, concerns about inequity of application, and the need for retribution (Seal, 2014a, Chapter 5). Also significant in the letters was the construction of imagined local and national communities, the latter connoting meanings of Britishness (Seal, 2014b).

<sup>20</sup> Unsurprisingly, the letters sent in the 1930s from individuals with a direct connection with the condemned were always to petition for mercy (Seal, 2014b).

<sup>21</sup> See (Young, 1999; Garland and Sparks, 2000; Garland, 2001; Young, 2007).

<sup>22</sup> See (Karstedt, 2006).

<sup>23</sup> (Seal, 2014b, p. 908).

<sup>24</sup> (Seal, 2014b, p. 908).

<sup>25</sup> (Jackson, 2004, p. 946).

change. Crime is a metaphor for other social problems.<sup>26</sup> Feelings of insecurity induced by the rapidity of social change and anxieties about modernity are channelled through responses to crime.<sup>27</sup> These anxieties are 'exemplified by concerns about social decline, community fragmentation, and moral authority'.<sup>28</sup> Such concerns are frequently projected onto particular social groups, which are perceived as different from the moral community and/or troublesome to it.<sup>29</sup> Research into attitudes towards punishment in a contemporary context has demonstrated that individuals who are the most concerned about social change and uncertain about the future are also the most likely to hold punitive views.<sup>30</sup>

Criminological explanations for the link between fear of crime, anxieties about social change and punitive emotions have drawn on Anthony Giddens' concept of ontological insecurity. This refers to threats to self-identity that endanger 'aspects of the "reality" of the world'.<sup>31</sup> Giddens argues that ontological insecurity is prevalent in modern societies due to the pace and scope of change entailed by modernity. This experience of ontological insecurity leads some individuals to attempt to shore up stability by reasserting their 'values as absolutes'.<sup>32</sup> They are intolerant of deviance and create scapegoats for the 'troubles of the wider society'.<sup>33</sup> They favour expressive punishments such as long prison sentences and the death penalty.<sup>34</sup>

David Garland argues that the precariousness of late modern societies – in which the welfare state has declined and neoliberal economics flourish – means that insecurity is widely experienced.<sup>35</sup> He contrasts the economic prosperity, lower inequality and expanded social rights of the post-war years up until the 1960s with the 'crisis decades' of the 1970s and 80s, during which recession led to the restructuring of the labour market. Significant transformations in family life, the consumption of culture and the growth of mass media accelerated the pace of social change in late modernity.<sup>36</sup> Rising rates of recorded crime and media reporting of serious, high profile crimes made crime and violence 'channels for the expression of more inchoate fears'.<sup>37</sup> Jock Young describes the changes wrought by late modernity as inducing 'feelings of social vertigo and insecurity' in citizens.<sup>38</sup> To counter this, they

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<sup>26</sup> (Jackson, 2004, p. 946). See also (Hirtenlehrer and Farrall, 2013, p. 6).

<sup>27</sup> (Hirtenlehrer and Farrall, 2013, pp. 7-12).

<sup>28</sup> (Farrall, Jackson and Gray, 2009, p. 5).

<sup>29</sup> (Jackson, 2004, p. 962).

<sup>30</sup> (van Marle and Maruna, 2010, p. 8).

<sup>31</sup> (Giddens, 1991, p. 65).

<sup>32</sup> (Young, 1999, p. 15).

<sup>33</sup> (Young, 1999, p. 20).

<sup>34</sup> (Young, 1999, p. 20; Garland, 2001 p. 9).

<sup>35</sup> (Garland, 2001, p. 133, p. 157).

<sup>36</sup> (Garland, 2001, pp. 79-89).

<sup>37</sup> (Garland, 2001, p. 153).

<sup>38</sup> (Young, 2007, p. 9).

reach for 'strong lines of identity and grasp[...] out at difference'.<sup>39</sup> He differentiates the stasis and security of postwar 'high modernity' from the disembeddedness and precariousness of the late modern world.<sup>40</sup>

Letter writers and survey respondents who articulated pro-death penalty views frequently emphasised the need to retain capital punishment as a deterrent in order to promote safety. They linked fears of rising crime to harmful social change. These responses provide examples of feelings of ontological insecurity before the 'crisis decades' of the 1970s and 80s. The rest of the article analyses pro-death penalty discourse in letters sent to Home Secretaries and responses to the Mass Observation Capital Punishment Surveys 1948 and 1955-6. It explores four interrelated themes – safety and security; rising crime and violence; contesting penal welfarism; and crime as a condensing symbol. Of these, 'safety and security' is the overarching, dominant theme, which the others are nested within. Concern about rising crime was the most frequently expressed of the sub-themes, to which the other two were also interconnected. The themes were developed inductively from thematic analysis of the sources informed by existing historical and criminological literature on cultural understandings of punishment.

### Safety and security

In emphasising the need to retain capital punishment to ensure feelings of safety, individuals assumed that it acted as a deterrent against fatal violence. A female correspondent explained 'None of us will feel safe if there is no deterrent to the violence already practiced'.<sup>41</sup> Joint letter writers who signed themselves 'Ex-marine and Mrs Anxious', argued hanging was 'one of the last safeguards against the brutal onslaught of man'<sup>42</sup> and three separate female respondents to the Mass Observation survey simply stated that abolition would mean 'Nobody will be safe'.<sup>43</sup> Deterrence can be understood as an instrumental, rather than expressive, justification for punishment.<sup>44</sup> However, there is a porous boundary between instrumental and expressive views and both are 'imbued with emotional content'.<sup>45</sup> This is well illustrated by the poetic sounding reference to the 'brutal onslaught of man'.

Closely related to safety was a concern about security. A man from Bristol warned that 'Our security of property has long been parlous! We don't want to add to that security of the individual which has

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<sup>39</sup> (Young, 2007, p. 10).

<sup>40</sup> (Young, 2007, p. 10).

<sup>41</sup> Letter, female author, Meopham, 5 February 1956, TNA/HO291/92.

<sup>42</sup> Letter, Ex Marine and Mrs Anxious, Edinburgh, 11 February 1956, HO291/92.

<sup>43</sup> Housewife, age 52, no town given; Housewife, age 40, no town given, Capital Punishment Survey 1948, MOA-72-1-H and Housewife, age 63, no town given, Capital Punishment Survey 1955-6, MOA-72-3-A.

<sup>44</sup> (Tyler and Boeckman, 1997).

<sup>45</sup> (Bandes, 2008, p. 23).

for so long been our boast!'.<sup>46</sup> Fear of violent crime needed to be taken seriously. Letter writers saw this is a problem both on the streets and within the home. A correspondent from Manchester referred to the 'millions of people who are afraid to leave their homes for fear of these bad people who they might meet both inside and outside'.<sup>47</sup> The abolition of the death penalty would mean 'we shall not be safe anywhere in bed or walking about'.<sup>48</sup> A woman cautioned that 'many thousands live in constant fear'.<sup>49</sup> There was also the notion that 'innocent people must be protected'<sup>50</sup> and 'innocent people are living in fear'.<sup>51</sup>

The perception that certain social groups had particular vulnerabilities was an important aspect of concerns about safety. Specifically, these were women, children and the elderly. In April 1948, an abolitionist amendment to the Criminal Justice Bill to suspend the death penalty was passed in the House of Commons. A woman from Bridport exhorted the Home Secretary, James Chuter Ede, 'we, the women of England look to you to protect us, we feel we are not safe anywhere'.<sup>52</sup> She was echoed by a woman who asserted 'lonely women of England and I am one of them need all the protection we can get'.<sup>53</sup> Another female author warned 'Housewives in every district are afraid under present conditions to answer the door in daylight – much less after dark'.<sup>54</sup> The case of John Christie in 1953 prompted a 'Believer in Justice' to ask Home Secretary Maxwell Fyfe to 'protect helpless women and children by getting rid of all killers'.<sup>55</sup>

Responses to the Death Penalty (Abolition) Bill 1956 also highlighted the issue of particular vulnerabilities. A woman from Shenstone worried that '[s]o many young children and elderly people will be at the mercy of ruthless criminals' if capital punishment were to be abolished.<sup>56</sup> The increased threat of violence that abolition would create would mean 'people's children will never be out of site

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<sup>46</sup> Letter, male author, Bristol, 11 November 1956, TNA/HO291/99.

<sup>47</sup> Letter, gender unknown, Manchester, 10 July 1956, HO291/99.

<sup>48</sup> Letter in response to Peter Griffiths's case, female author, Crowthorne, 25 October 1948, HO45/23921. Griffiths was executed for murdering a four year old whom he abducted from her hospital bed.

<sup>49</sup> Letter, female author, Bridgehampton, 1 February 1956, HO291/92.

<sup>50</sup> Letter in response to Michael Davies's case, gender unknown, unaddressed, 16 January 1954, HO291/231. 20 year old Davies was reprieved for the 'Clapham Common Murder' of a 17 year old boy.

<sup>51</sup> Letter in response to George Riley's case, female author, Wolverhampton, 9 February 1961, HO291/250. Riley was executed for the murder of a 62 year old woman in her home. His motive was supposedly to steal from her (although he did not take anything), making the crime a capital one.

<sup>52</sup> Letter, female author, Bridport, 4 June 1948, HO45/25084.

<sup>53</sup> Letter, female author, Romsey, 3 June 1948, HO45/25084.

<sup>54</sup> Letter, female author, unaddressed, 3 June 1948, HO45/25084.

<sup>55</sup> Letter in response to John Christie's case, 'Believer in Justice', unaddressed, 12 July 1953, HO291/227. Christie was hanged for his wife's murder but the bodies of six other women and a baby were found at his former home. He is believed to have murdered Timothy Evans's wife and baby – Evans was executed in 1950 for murdering his daughter.

<sup>56</sup> Letter, female author, Shenstone, 21 July 1956, HO291/99.



[sic] to play in safety neither will old people be safe to be left'.<sup>57</sup> A correspondent from Clacton-on-Sea stated 'we elderly people feel very strongly when we read of cowardly and murderous violence against us helpless folk'.<sup>58</sup>

Anxieties about safety and security were strongly associated with concerns about the maintenance of order. For these individuals, the death penalty was a barricade against social breakdown and an essential means of ensuring the state's monopoly on violence. Instrumental beliefs in deterrence were strongly related to darker fears about the fragility of social order and, indeed, of civilisation. The prospect of abolition led some letter writers to claim that people would need to arm themselves. Someone who defined themselves as 'lonely' stated 'we feel we will all need Revolvers for Self Defence'.<sup>59</sup> A correspondent from Surbiton asserted 'I, for one, should not hesitate to get a revolver for my own protection'<sup>60</sup> and a man from Acton similarly argued 'People need to carry truncheons for protection'.<sup>61</sup> Capital punishment was necessary to prevent vigilantism. A male author from Birmingham related 'I constantly hear threats to take the law into their own hands, if any member of their families is the victim of an attack'.<sup>62</sup>

It is impossible to know how far personal experiences of crime and violence shaped these individuals' views of the need to retain the death penalty to uphold social order. They did not link their fears to personal experiences or relate particular incidences of crime or violence. This does not mean that they had not experienced violent crimes. However, research carried out in a more recent context argues that expressive views of crime and punishment reflect particular worldviews, rather than experiences of victimisation. In particular, perceptions of moral decline and unwelcome social change are related to punitive views.<sup>63</sup> A Hobbesian worldview expressed in relation to concerns about thinness of the veneer of civilisation and the need for state authority to guarantee safety and security was associated with fears of moral decline,<sup>64</sup> exemplified by rising crime rates. This worldview led letter writers and survey respondents to articulate what Steve Chibnall conceptualises as 'right wing order fantasies' that emphasise discipline, stability, resistance to change and belief in the superiority of the past.<sup>65</sup>

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<sup>57</sup> Letter, gender unknown, unaddressed, received 30 January 1956, HO291/92.

<sup>58</sup> Letter, gender unknown, Clacton on Sea, 11 July 1956, HO291/99.

<sup>59</sup> Letter, 'A Life for a Life', unaddressed, received 10 July 1956, HO291/96.

<sup>60</sup> Letter, gender unknown, Surbiton, 11 June 1956, HO291/98.

<sup>61</sup> Letter, male author, Acton, 5 July 1956, HO291/96.

<sup>62</sup> Letter, male author, Birmingham, 14 February 1956, HO291/96.

<sup>63</sup> See (Gaubatz, 1995; King and Maruna, 2009; Unnever and Cullen, 2010).

<sup>64</sup> This is not to argue that letter writers were consciously channelling Hobbes, but that their perception of the need for authority to be able to control and use strong punishment to uphold the social order belonged to a Hobbesian tradition of political thought. On Hobbes see (Morrison, 2006, pp. 16-21).

<sup>65</sup> (Chibnall, 1977, pp. 47-8). Chibnall draws on Booker (1970) for the concepts of right and left wing fantasies. Left wing fantasy values change, freedom and the possibilities of the future.

## Rising crime and violence

The 'dreadful wave of crime prevalent in this Country',<sup>66</sup> as a woman writing to Chuter Ede in 1948 on behalf of the West Sussex County Federation of Women's Institutes termed it, was a widespread concern after the Second World War. The 1947 figures for indictable crimes showed a 50% increase on those from 1939, with violent robberies and murders having increased in the immediate postwar period.<sup>67</sup> Recorded property crime, sexual offences and crimes against the person also increased.<sup>68</sup> Criminologist, Hermann Mannheim, acknowledged that '[t]he crime wave in fact has arrived in England as in probably every other country, though perhaps not to the extent originally expected'.<sup>69</sup> He attributed this to the loosening of social values during war, the scarcity of consumer goods and policies of austerity.<sup>70</sup> Mannheim's tone was more sanguine than that of the press. According to *The Times*, crime was 'causing grave concern all over the country'. Their 'Special Correspondent' argued that it was 'misleading to describe what is happening as a "crime wave" because no recession [...] is expected for some time to come'.<sup>71</sup> Editorials in the *Daily Mirror* referred to the 'crime wave' in order to argue that the solution was more police.<sup>72</sup> The *Daily Mail* stated that 'the crime wave must give cause for dismay' and agreed that more police were needed.<sup>73</sup>

The debate on the Criminal Justice Bill, including its abolition clause, in the House of Lords in June 1948 prompted letters to Chuter Ede that referred to the crime wave as a reason to retain capital punishment.<sup>74</sup> A man from Hurlingham urged that hanging could not be abolished 'at a time like this when crime is rampant'.<sup>75</sup> A female author pointed out that '[s]tatistics have shown that crime on the whole has been on the increase since the end of the war'<sup>76</sup> and a man from Hampstead felt Chuter Ede 'must be aware that there is now a great wave of brutal murders, mostly of women and girls, sweeping over the London area [...]; the aftermath of the War'.<sup>77</sup>

Following the postwar crime wave, the perception of rising crime and violence remained amongst individuals concerned about safety. The 'increasing prevalence of ghastly crimes' worried 'one of the

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<sup>66</sup> Letter, female author, Henfield, 9 June 1948, HO45/25084.

<sup>67</sup> (Chibnall, 1977, p. 51, p. 54).

<sup>68</sup> (Morris, 1989, p. 36).

<sup>69</sup> (Mannheim, 1947, p. 3).

<sup>70</sup> (Mannheim, 1947, p. 7).

<sup>71</sup> (*The Times*, 1948, p. 5).

<sup>72</sup> (*Daily Mirror*, 1948b, p. 2; 1948a, p. 2).

<sup>73</sup> (*Daily Mail*, 1948a, p. 1; 1948b, p. 1).

<sup>74</sup> The Lords deleted the abolition clause from the Bill, see (Twitchell, 2012, p. 28).

<sup>75</sup> Letter, male author, Hurlingham, 6 June 1948, HO45/25084.

<sup>76</sup> Letter, female author, Forest Hill, 2 June 1948, HO45/25084.

<sup>77</sup> Letter, male author, Hampstead, 5 June 1948, HO45/25084.

public' writing to the Home Secretary in 1950.<sup>78</sup> Objections to the Death Penalty (Abolition) Bill in 1956 raised this theme. A man from Bournemouth opposed abolition because 'Every day and week that passes we read of more murders'.<sup>79</sup> A woman from Cornwall perceived '[c]rimes of appalling violence increase everyday'<sup>80</sup> and a woman from Worthing warned '[t]he country seethes with murderers and robbers'.<sup>81</sup> Abolition could only lead to more 'crimes of that sort'<sup>82</sup> and 'more murders now than ever, there'll be'.<sup>83</sup>

The influence of newspaper stories was demonstrated by a male respondent to the Mass Observation survey who observed 'there are too many murders these days. You never lift your paper but there's details of another one'.<sup>84</sup> A cotton dyer from Belper lamented 'you're always reading about brutal murders of one sort or another'.<sup>85</sup> The survey revealed child murder to be a potent concern. Respondents mentioned 'Children's murderers and the brutality of them'<sup>86</sup> and 'the number of children who have been murdered recently' as things which they had seen or heard that were 'sufficient justification for keeping the death penalty'.<sup>87</sup> The role of the press in intensifying fear of violent crime was clearly significant.<sup>88</sup>

There were also concerns about particular folk devils associated with violent crime.<sup>89</sup> 'Cosh boys', 'thugs', 'Teddy Boys', 'hooligans' and 'gangsters' all recurred as figures likely to be responsible for violence and disorder.<sup>90</sup> 'A Housewife' worried in her letter that 'the Gangsters are getting worse every day and severe punishment should be used for these gangs'<sup>91</sup> and a man from London opined 'no one

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<sup>78</sup> Letter in response to Daniel Raven's case, 'One of the Public', unaddressed, 1 January 1950, HO45/24497.

<sup>79</sup> Letter, male author, Bournemouth, 3 July 1956, HO291/96.

<sup>80</sup> Letter, female author, Cornwall, 5 July 1956, HO291/96.

<sup>81</sup> Letter, female author, Worthing, 15 November 1956, HO291/99.

<sup>82</sup> Male bank manager, aged 45, no town given, Capital Punishment Survey 1955-6, MOA-72

<sup>83</sup> Male carter, aged 54, Liverpool, Capital Punishment Survey 1955-6, MOA-72

<sup>84</sup> Male driver for the Co-op, aged 44, Tranent, Capital Punishment Survey 1955-6, MOA-72-3-A.

<sup>85</sup> Male cotton dyer, aged 62, Belper, Capital Punishment Survey 1955-6, MOA-72-4-B.

<sup>86</sup> Female shop assistant, aged 40, Gateshead, Capital Punishment Survey 1955-6, MOA-72-3-C.

<sup>87</sup> Male general labourer, aged 38, Sunderland, Capital Punishment Survey 1955-6, MOA-72-4-C.

<sup>88</sup> In his study of Beatrice Pace, an English woman acquitted of the murder of her husband in 1928, John Carter Wood argues that letters sent to her by members of the public 'offer a rare glimpse of how people interacted with the press' (2012, p. 175). Bruckweh (2006, p. 69) notes that the German public's letters concerning Jürgen Bartsch were a form of appropriation of the mass media.

<sup>89</sup> Folk devils represent a threat to social stability. Stanley Cohen (2002, p. viii) describes young people as one of the 'familiar clusters' from which folk devils are created.

<sup>90</sup> The Americanised 'gangster' was perceived as a figure with the power to corrupt British youth. This was a cultural anxiety during the interwar period, when British newspapers reported the exploits of Chicago gangsters see (Davies, 2007). Eugene McLaughlin (2005, p. 14) argues that Hollywood gangster movies 'flourished between 1945-50', stoking fears that postwar youth were disposed towards delinquency and antisocial behaviour. 'Hooligans' had a longer standing pedigree as a term for disorderly young men, see (Davies, 2007) and (Pearson, 1983). 'Cosh boy' was a term used in the 1940s and 50s for violent juveniles, see (Pearson, 1983). A film with this title was released in 1953.

<sup>91</sup> Letter, 'A Housewife', unaddressed, 7 July 1956, TNA/HO291/96.

has given a thought to the rising generation about the blood thirsty teddie boys'.<sup>92</sup> Another correspondent felt 'Hooliganism is getting out of hand' and that Magistrates were inclined to 'let them off'.<sup>93</sup> This theme of dangerous and disorderly young people was also significant in the Mass Observation survey. 'Teddy boys all over the country taking to violence',<sup>94</sup> 'Gangsters carrying firearms, who offer violence at the slightest provocation'<sup>95</sup> and 'more and more juvenile delinquency'<sup>96</sup> were mentioned as things seen or heard that had influenced respondents' views on capital punishment. 'Teddy boys' were especially frequently highlighted in letters and survey responses, with a couple of authors also referring to 'Teddy girls'.<sup>97</sup>

In the words of Dick Hebdige, Teddy boys were 'almost universally vilified by press and parents alike as symptomatic of Britain's impending decline'.<sup>98</sup> Newspaper representations of the mid-1950s associated Teddy boys with violence and made them a byword for delinquency.<sup>99</sup> The press construction of Teddy boys as folk devils followed on from interwar portrayals of the threat posed by, variously, violent veterans, dope fiends, motor bandits and racecourse gangs.<sup>100</sup> Respectable fears about increased crime and disorder, and its association with 'this rising generation',<sup>101</sup> showed how anxiety about social change fixated on the young, who presaged the future.<sup>102</sup> Although certain letter writers and survey respondents explicitly stated that Teddy boys and gangsters were responsible for violence and murder, more generalised concerns about juvenile crime were also sutured to the issue of capital punishment. This demonstrates the especially symbolic nature of the death penalty as a form of punishment.<sup>103</sup> It was not that people advocated the death penalty for lower level juvenile

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<sup>92</sup> Letter, male author, London, 11 February 1956, HO291/92.

<sup>93</sup> Letter, gender unknown, Notting Hill, 4 November 1956, HO291/99.

<sup>94</sup> Male shopkeeper, aged 44, Gateshead, Capital Punishment Survey 1955-6, MOA-72-3-C.

<sup>95</sup> Male salesman, aged 38, Gateshead, Capital Punishment Survey 1955-6, MOA-72-3-C.

<sup>96</sup> Male area manager for a limestone producer, aged 30, Withenshaw, Capital Punishment Survey 1955-6, MOA-72-5-A.

<sup>97</sup> Letter, male author, Essex, received 13 February 1956, TNA/HO291/92 and Letter, male author, Enfield, 23 September 1956, HO291/99.

<sup>98</sup> (Hebdige, 2003, p. 82).

<sup>99</sup> (Bentley, 2010, 16-33, p. 17). Bentley explores how a more nuanced portrayal of Teddy boys, and of contemporary youth culture, can be found in novels of the era. Like the 'gangster', the Teddy boy was also interpreted as an example of Americanisation, see (Fowler, 2007, p. 76).

<sup>100</sup> (Wood, 2016, p. 309).

<sup>101</sup> Housewife, aged 39, Sheffield, Capital Punishment Survey 1955-6, MOA-72-3-B.

<sup>102</sup> In the context of research conducted in the twenty-first century, King and Maruna (2011, p. 134) found that individuals with punitive views were particularly 'indignant about the behaviours of teenagers and young people'. The authors situate this in relation to the recurrence of the young as 'the symbolic targets in "moral panics" that actually have less to do with teenage kicks than they do with wider, societal changes', (p. 138). Reviewing the third edition of *Folk Devils and Moral Panics*, Jock Young (2005, p. 103) commented 'the moral panic over the Mods and Rockers was a defence of a world that was slipping away – an act of moral resistance if you want'.

<sup>103</sup> (Zimring and Hawkins, 1989, pp. 16-9; Zimring, 2003, pp. 42-64).

crime (this view was expressed but very rarely) but that capital punishment symbolised a commitment to a social order that was under threat.

### Contesting penal welfarism

Penal welfarism refers to an expert-driven approach to criminal justice policy that emphasised rehabilitation, correctionalism and reform, and which David Garland argues reached its zenith in the 1960s. He asserts that 'In the post-war decades criminal justice became the territory of probation officers, social workers, psychologists, psychiatrists, child-guidance experts, educationalists, and social reformers of all kinds'.<sup>104</sup> This did not mean that the criminal justice system always achieved its penal welfarist aspirations in terms of its practices. Garland interprets penal welfarism as enjoying hegemony in the mid twentieth-century, albeit not one that went uncontested. The general public and the 'downmarket press' did not necessarily approve of the correctionalist agenda, or accept the wisdom of experts. In popular culture, punitive sentiments remained.<sup>105</sup> Indeed, the survival of capital punishment until the mid-1960s demonstrates that there was 'political, judicial, and popular resistance' to correctionalism.<sup>106</sup>

Many letters writers and survey respondents who focused on the theme of safety disputed the penal welfarist approach. Of course, they did not use the term 'penal welfarism' but perceived an expert-driven correctionalist agenda that prioritised rehabilitation. Correspondents criticised this agenda's perceived 'leniency',<sup>107</sup> 'softness to murderers'<sup>108</sup> and 'tenderness towards the criminal'<sup>109</sup> and argued that MPs were guilty of 'pampering thugs'.<sup>110</sup> This 'softness' was as an expression of damaging 'sentimentality'<sup>111</sup> that reflected wrongheaded and 'sloppy' thinking.<sup>112</sup> According to this view, those

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<sup>104</sup> (Garland, 2001 p. 36).

<sup>105</sup> (Garland, 2001, p. 41).

<sup>106</sup> (Bailey, 2000, p. 310).

<sup>107</sup> Letter in response to Mary Wilson's case, gender unknown, Newcastle, 31 May 1958, TNA/HO291/242. Wilson was reprieved for murdering her husband and likely also killed two other men.

<sup>108</sup> Letter in response to Derek Bentley's case, female author, Leader of Conservative and Unionist Association, London, 11 December 1952, HO291/225. Bentley was hanged for the murder of a police officer, although the shooting was carried out by his friend, Christopher Craig.

<sup>109</sup> Letter in response to John Christie's case, female author, North Kensington, 29 June 1953, HO291/227.

<sup>110</sup> Postcard, gender unknown, Tankerton, 29 June 1956, HO291/96.

<sup>111</sup> Letter, female author, Ardgay, 2 July 1956, HO291/96.

<sup>112</sup> Letter in response to Ruth Ellis's case, gender unknown, London, 30 June 1955, HO291/235. Ellis was executed for shooting her lover dead.

who favoured abolition of the death penalty were ‘misguided individuals’<sup>113</sup> who ‘confuse[d] humanitarianism with sickening sentimentality’.<sup>114</sup>

Charging abolitionists with sentimentality was not new; Victorian retentionists found abolitionism sickly, sentimental, and insufficiently masculine.<sup>115</sup> Mid twentieth-century correspondents related this criticism to the prevalence of expert discourse on crime.<sup>116</sup> According to a ‘widow in reduced circumstances and poor health’, ‘crazy ideas’ would encourage more crime.<sup>117</sup> Those ‘not blinded by sloppy sentiment or overdosed with psychiatry’ experienced ‘natural anxiety’ over rising crime.<sup>118</sup> For others, psychiatry was ‘bosh’ and ‘trash’,<sup>119</sup> and ‘plausible twaddle by gullible people’.<sup>120</sup> A letter writer responding to the trial of John Christie expressed frustration that in ‘every case, more or less, insanity is brought into the case’.<sup>121</sup> A female correspondent in relation to Mary Wilson, the last woman in England to be reprieved from hanging, directly questioned the rehabilitative ideal, arguing that for many working class people their ‘birthright is work – not mental development. If this were seen clearly it would do away with weak youths skipping round a Reform school dressed like Teddy Boys – a ridiculous way of reform’.<sup>122</sup> A male letter writer from Surbiton felt that ‘education and even good ‘Home’ influence cannot entirely eradicate criminal instincts’.<sup>123</sup>

For many letter writers and some survey respondents, the alternative to penal welfarism was the reintroduction of corporal punishment, an issue they understood to be allied with capital punishment.<sup>124</sup> Corporal punishment (flogging and birching) as a judicial sentence was abolished by the Criminal Justice Act 1948. In parliamentary debates, opponents of removing corporal punishment as a sentencing possibility derided the influence of ‘well meaning reformers and muddle minded psychiatrists’.<sup>125</sup> An unsuccessful attempt to amend the Act in 1952 to reintroduce birching for violent

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<sup>113</sup> Letter, gender unknown, Wallasey, 9 February 1956, HO291/92.

<sup>114</sup> Letter, gender unknown, Caterham, 8 February 1955, HO291/92.

<sup>115</sup> See (Gregory, 2012, p. 163).

<sup>116</sup> Emsley (2011, p. 131) states that in the twentieth-century a wide range of experts ‘wrote about crime and criminal justice for different audiences across the country’. It is likely that the letter writers and survey respondents became aware of expert discourses on crime through newspaper reports and features.

<sup>117</sup> Letter, Widow in reduced circumstances and poor health, London, [no day] July 1956, HO291/99.

<sup>118</sup> Letter, gender unknown, Birmingham, 24 October 1956, HO291/99.

<sup>119</sup> Letter in response to John Christie’s case, gender unknown, Liverpool, 26 June 1953, HO291/227.

<sup>120</sup> Letter in response to Gunter Podola’s case, male author, Birmingham, 7 October 1959, HO291/246. Podola, a German national, was executed for killing a police officer.

<sup>121</sup> Letter in response to John Christie’s case, gender unknown, London, 1 July 1953, HO291/227.

<sup>122</sup> Letter in response to Mary Wilson’s case, female author, London, 3 June 1958, HO291/242.

<sup>123</sup> Letter, male author, Surbiton, 14 February 1956, HO291/92.

<sup>124</sup> Twitchell (2012, p. 108) notes the ideological links made between capital and corporal punishment.

<sup>125</sup> Gard (2009, p. 119) quoting Conservative MP, Lieutenant Colonel Sir T Moore.

crimes committed by adult males was justified on the grounds of the need to combat rising crime.<sup>126</sup> Along with debates over the retention of capital punishment itself, such measures demonstrate that although penal welfarism may have been the predominant ethos of criminal justice policy, it was certainly contested.<sup>127</sup>

A male teacher from Carlisle responding to the Death Penalty (Abolition) Bill urged Prime Minister Anthony Eden to vote to retain hanging and asked 'Is it possible to add flogging at intervals to imprisonment?'.<sup>128</sup> Increases in violent crimes required 'the reintroduction of the Cat and the Birch'<sup>129</sup> and '[t]he Rope, the Cat, the Birch and the Cane' should be used 'in this ungodly society where nobody is safe from attack'.<sup>130</sup> A woman from Midlothian was pleased that Gwilym Lloyd George wanted to 'protect the unfortunate people of Britain' by advocating the retention of hanging. A niece of friends had been attacked a few months ago and the 'villain' was 'not even flogged!!!'.<sup>131</sup> A man from Enfield confidently asserted that 'there is only one way to stop the crime wave, bring the Birch, and Cat o nine tails back'.<sup>132</sup> Some Mass Observation survey respondents saw corporal punishments as a way to deal with criminal folk devils. A man from Nuneaton stated 'I believe in the cat for gangsters. It would bring them to their senses'<sup>133</sup> and a housewife from Chesterfield thought 'the cat [...] might have helped to curb these teddy boys'.<sup>134</sup>

A strong theme in responses from those who contested penal welfarism was the lack of attention given to victims. 'One of the public' writing in relation to the Daniel Raven case despaired that '[t]here is now no pity for the victims all the pity is given to the murderers by a mad deluded public'.<sup>135</sup> There were 'hours of babble about their [victims'] murderers' but no-one thought of them.<sup>136</sup> For a woman writing in response to the Christie case, 'the innocent victims seemed almost overlooked'<sup>137</sup> and a man from Shoreham-by-Sea wanted Louisa Merrifield to be hanged 'as soon as possible', urging Maxwell

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<sup>126</sup> (Gard, 2009 p. 124).

<sup>127</sup> Jarvis (2005, p. 57) explores how conflicts within the 1950s Conservative Party, particularly between the membership and Rab Butler, reflected 'the uncertainties felt about modernity'.

<sup>128</sup> Letter, male author, Carlisle, 10 February 1956, HO291/92.

<sup>129</sup> Letter, male author, Birmingham, 14 February 1956, HO291/92.

<sup>130</sup> Postcard, gender unknown, London, 16 February 1956, HO291/92.

<sup>131</sup> Letter, female author, Midlothian, 24 July 1956, HO291/99.

<sup>132</sup> Letter, male author, Enfield, 23 September 1956, HO291/99.

<sup>133</sup> Male plate layer, aged 52, Nuneaton, Capital Punishment Survey 1955-6, MOA-72-4-C.

<sup>134</sup> Housewife, aged 65, Chesterfield, Capital Punishment Survey 1955-6, MOA-72-6-B.

<sup>135</sup> Letter in response to Daniel Raven's case, 'One of the public', unaddressed, 1 January 1950, HO45/24497. Raven was hanged for murdering his parents-in-law.

<sup>136</sup> Letter, female author, Cornwall, 5 July 1956, HO291/96.

<sup>137</sup> Letter in response to John Christie's case, female author, North Kensington, 29 June 1953, HO291/227.

Fyfe to 'ignore the sickly sentimental cranks who have no thought whatever for the VICTIMS'.<sup>138</sup> There was also concern for 'the unfortunate victims, and the victim's relatives' in capital cases.<sup>139</sup> A correspondent writing about the Michael Davies case 'on behalf of many friends and neighbours' asked David Maxwell Fyfe 'Have you no thought or regard for the victim and his unhappy relatives?'.<sup>140</sup> According to this retributivist view, the 'sympathy' and 'leniency' for criminals entailed by penal welfarist approaches meant that the balance of justice was wrong. This related back to fears about the degradation of order.<sup>141</sup>

### Crime as condensing symbol

Crime, especially violent crime, is a condensing symbol that acts as a focus for diffuse anxieties about social change. Conditions, individuals and groups become symbolic of crime.<sup>142</sup> Pro-death penalty reactions to capital cases in the mid twentieth century demonstrated how such cases conveyed meanings beyond crime and punishment. One of these was a sense that the nation was in a state of moral decline. Moral decline remains a focus for public anxieties about crime in the twenty-first century,<sup>143</sup> and can also be identified in Victorian and interwar discourses on crime and disorder.<sup>144</sup> Similarly, it was a concern for mid twentieth-century letter writers, who stated that 'this country was getting worse'<sup>145</sup> and 'the country was not like this in my youthful days'.<sup>146</sup> A woman from Eastbourne feared that petitions to save Daniel Raven meant 'this country is morally dead'<sup>147</sup> and an author responding to the Ruth Ellis case was 'alarmed at the coarseness of morals these days'.<sup>148</sup> Such

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<sup>138</sup> Letter in response to Louisa Merrifield's case, male author, Shoreham-by-Sea, 6 September 1953, HO291/229. Merrifield was executed for murdering a 79 year old woman, to whom she was housekeeper. Her husband was also tried but acquitted of the murder

<sup>139</sup> Letter, gender unknown, Birmingham, 24 October 1956, HO291/99.

<sup>140</sup> Letter in response to Michael Davies's case, gender unknown, Llanely, 22 January 1954, HO291/231.

<sup>141</sup> The idea that the criminal justice system should include attention to the victims of crime was in its infancy. Margery Fry argued in the 1950s for a compensation scheme for victims of personal violence. Rab Butler established a working party on the issue which reported in 1961. As Morris (1961) noted, Fry's impetus was reformist and derived from the principle that society had failed to protect the victim so should provide compensation via the State. Support for restitution schemes also came from people who believed that the offender themselves should compensate the victim as part of atoning for their crime. This principle appealed to the Conservative Party leadership, see (Jarvis, 2005, p. 60). The letter writers did not discuss issues of compensation, rather their assumption was that the application of the death penalty brought about justice for the victim and their relatives.

<sup>142</sup> (Jackson, 2004 p. 951). The concept of the 'condensing symbol' was developed by Edward Sapir and refers to verbal and visual images that convey a range of cognitive and emotional meanings, (Jasper and Poulson, 1995, p. 498).

<sup>143</sup> (Farrall, Jackson and Gray, 2009, p. 6; Hummelsheim et al., 2011, p. 329).

<sup>144</sup> (Pearson, 2002).

<sup>145</sup> Letter, male author, Stoke-on-Trent, 10 July 1956, HO291/96.

<sup>146</sup> Letter, gender unknown, unaddressed, [no day] March 1957, HO291/99.

<sup>147</sup> Letter in response to Daniel Raven's case, female author, Eastbourne, 5 January 1950, HO45/24497.

<sup>148</sup> Letter in response to Ruth Ellis's case, gender unknown, Richmond, Surrey, 6 July 1955, HO291/235.



changes were an affront to ‘decent people of this country’.<sup>149</sup> This anxiety, although articulated through language redolent of conservative Christian morality, was usually not explicitly mobilised through religious discourse. Comments such as ‘we are becoming a Godless nation, and a Godless nation is a decadent nation’ can be found, but did not predominate.<sup>150</sup>

In particular, concerns about declining morality were linked to perceptions of the dawning ‘permissive society’. The representation of sexual activity and sexualisation in public life was not characterised as ‘permissive’ in the 1950s,<sup>151</sup> but there was a perception that laxer sexual mores were becoming more prevalent and accepted.<sup>152</sup> David Cox et al. explore how as a reaction to this in the mid-50s, there was a ‘flurry of activism against literature and art’ that brought about successful prosecutions for obscenity.<sup>153</sup> For some letter writers, there was ‘[t]oo much vice and nudeness’.<sup>154</sup> A man writing in response to Louisa Merrifield’s case also asked that the Home Secretary prevent the *Sun Dispatch* and *Daily Mirror* from ‘publishing indecent photos of nude females’.<sup>155</sup> A female survey respondent mentioned that ‘[t]here’s too much pleasure – too many pictures – too many pictures of naked women in the newspapers’ in answer to what she had seen or heard that influenced her views of capital punishment.<sup>156</sup> The ‘pin up’, overtly sexual pictures of young, attractive women, ‘spread throughout the spectrum of the press’ in the 1950s.<sup>157</sup> Popular newspapers disparaged criticism of pin ups as

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<sup>149</sup> Letter, gender unknown, Notting Hill, 4 November 1956, HO291/99.

<sup>150</sup> Letter, gender unknown, Essex, 5 January 1956, HO291/96. Religious discourse was most frequently deployed by letter writers in order to ask for mercy and/or to point out that capital punishment was unchristian. There were also pro-death penalty letters that stressed the need for retribution through use of religious language.

<sup>151</sup> ‘Permissiveness’ is associated with the 1960s and 70s, including the liberalisation of laws relating to obscenity, divorce, homosexuality and abortion; changes to sexual attitudes and behaviour; and increased discussion and portrayal of sex and sexuality in the public sphere. See (Collins, 1999; Hampshire and Lewis, 2004). Hampshire and Lewis argue that the social change wrought by the permissive society was the subject of national debate in the 1960s. In their words, ‘For some, these changes heralded a new era of freedom and individualism; for others, they signalled a nation in moral decline’, p. 296.

<sup>152</sup> Adrian Bingham argues that the popular press of the 1940s and 50s began to cover sex in more detail than before, albeit through advice columns and the reporting of survey findings, which were consistent with respectability and traditional moral values. Newspapers ‘played a very significant role in opening up the public discussion of sex’, (Bingham, 2009, p. 265). Frank Mort (2010, p. 4) disputes what he identifies as a prevalent narrative of the 1960s as a watershed of permissiveness, arguing rather that changing sexualities and attitudes towards them were the ‘product of much broader histories’ and were not all straightforwardly progressive.

<sup>153</sup> (Cox, et al., 2015, p. 98). The authors note that this ‘was a short-lived victory for moral conservatism’, however, as it invigorated opposition to the Obscene Publications Act 1959, which was repealed and replaced by the Obscene Publications Act 1959 (pp. 100-1).

<sup>154</sup> Letter, ‘A Housewife’, unaddressed, 7 July 1956, HO291/96.

<sup>155</sup> Letter in response to Louisa Merrifield’s case, male author, Shoreham-by-Sea, 6 September 1953, HO291/229.

<sup>156</sup> Housewife, aged 71, Ashton, Capital Punishment Survey 1955-6, MOA-72-3-A. Mort, 2010, notes that ‘displays of female nudity were at the centre of a series of dramatic cultural contests’, p. 23.

<sup>157</sup> (Bingham, 2009, p. 202). Photographs in 1950s newspapers displayed women’s cleavage and legs, but not toplessness.

prudishness, which Adrian Bingham argues ‘marginalized’ those who disliked them.<sup>158</sup> As condensing symbols, capital cases offered a means for venting this dissatisfaction with the presence of the uncovered female body in the public domain.

In the early 1950s, sex acts between men were policed ‘with considerable zeal’.<sup>159</sup> A directive from Maxwell Fyfe to the Home Office in 1953 warned that ‘homosexuals’ posed a danger to others, particularly young people. Prosecutions of men for ‘unnatural acts’ and indecency were vigorously pursued.<sup>160</sup> Women who worked as prostitutes were seen as a threat to monogamous marriage and represented a loosening of moral standards during the war.<sup>161</sup> The urban figures of the male homosexual and female prostitute were foci for cultural anxieties as the uneven transition towards more permissive attitudes and behaviours developed.<sup>162</sup> A male correspondent from Bristol was concerned about a figure from the church who ‘condones homosexuality’<sup>163</sup> and a man writing about Michael Davies’s case stated ‘London to-day is a sink of filth, vice, crime, Rape, Homosexuality, importuners’.<sup>164</sup> A woman from Bury St Edmunds argued that ‘prostitutes and homosexuals should be whipped’<sup>165</sup> and an extreme point of view came from a woman from Middlesex, who writing about the Ruth Ellis case, averred ‘what we need badly is another Jack the Ripper to cleanse out these Bad women in Soho, Mayfair, etc’.<sup>166</sup> These highly disapproving views on immorality and ‘vice’ were by no means universal in the 1950s.<sup>167</sup> However, for those who interpreted such behaviours in terms of social and cultural threat they were particularly indicative of social ills and declining order.

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<sup>158</sup> (Bingham, 2009, p. 202).

<sup>159</sup> (McGhee, 2004, p. 359).

<sup>160</sup> (Cox et al., 2015, p. 142). These offences referred to anal sex, oral sex and other sexual practices between men. McGhee (2004) argues that this over policing provoked a liberal backlash, leading to the establishment of the Wolfenden Committee in 1954. The Wolfenden Report 1957 recommended decriminalising ‘homosexual’ acts carried out in private (p. 359).

<sup>161</sup> (Bell-Williams, 2006, p. 269). The Wolfenden Report’s recommendations on prostitution were for restrictive measures to make arrests of women easier and for persistent offenders to face harsher penalties, rather than the liberalising direction advocated in relation to sex between men, see (Self, 2003, pp. 137-40). Arrests for solicitation rose in the 1950s, partly reflecting an increase in street prostitution to compensate for loss of business due to the departure of troops but also as a result of greater police activity, see (Laite, 2011, pp. 176-7).

<sup>162</sup> Mort (2010, p. 8) argues for the importance of understanding London as a focus for anxieties about transgressive sex in the 1950s. In the 1940s and 50s, the press publicised anti-vice campaigns and exposes, particularly in relation to London, (Laite, 2011, p.159).

<sup>163</sup> Letter, male author, Bristol, 11 November 1956, HO291/99. The author is likely to be referring to Sherwin Bailey, who in the 1950s led a Church of England group which investigated homosexuality and recommended decriminalisation on the grounds that homosexual practices did not represent a grave threat to society, see (Anderson, 2016, pp. 428-9).

<sup>164</sup> Letter in response to Michael Davies’s case, male author, Shoreham-by-Sea, received 27 January 1954, HO291/231.

<sup>165</sup> Postcard, female author, Bury St Edmunds, received 24 December 1956, HO291/99.

<sup>166</sup> Letter in response to Ruth Ellis’s case, female author, Middlesex, 7 July 1955, HO291/235.

<sup>167</sup> See (Laite, 2011 p.185) and (Mort, 2010).

In addition to sex and permissiveness, immigration was the other marker of social change that for some respondents was symbolically wedded to capital cases. Mass immigration from the West Indies and South Asia from 1948 onwards was perceived as a social upheaval changing the character of Britishness. Despite a history of previous migrations, there was a prevalent myth of Britain as a racially homogenous 'white' nation, compromised by black and Asian newcomers.<sup>168</sup> Along with the young, immigrants were folk devils symbolising the threats of crime, disorder and decline.<sup>169</sup> Anxieties centred on West Indian men in particular, who were stereotyped as over-sexed and prone to violence, but other groups such as Maltese and Cypriots were also associated with criminality.<sup>170</sup>

A letter writer from Birmingham worried that in the absence of hanging, the emergence of private vendettas was 'a distinct possibility' due to the 'increase in the number of strata in present-day society – which the incidence of diverse immigration has brought and is bringing'.<sup>171</sup> 'Foreigners' were 'responsible for half the serious crime, they should all be deported'.<sup>172</sup> A woman from Middlesex called for 'strong measures' to deal with 'deliberate outrages – many of them the work of aliens'. She conceded that many Maltese, Cypriot and Jamaican people were 'law abiding and hard working' but 'we surely do not want to be over-populated by dark skinned races'.<sup>173</sup> Recent immigrants were perceived as responsible for disorder by a woman who demanded racial segregation 'in Buses, queues and seats'. She lamented '[i]n America and Africa the conduct of some of these coloureds would soon be put in order but all are equal in England'.<sup>174</sup> Another correspondent who signed themselves 'an old age pensioner and a Conservative, God help us' complained 'It's bad enough having the damn blacks and foreigners foisted on to us',<sup>175</sup> and did not link this particular concern back to crime or disorder. That they included it in a letter to the Home Office about a capital case illustrates the range of meanings attached to the death penalty and its potency as a symbol of more than just crime and punishment.

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<sup>168</sup> (Webster, 1998).

<sup>169</sup> Cohen (2002, pp. xxii-xxvi) examines how, in a more recent context, 'immigrants' and 'asylum seekers' have been portrayed as criminal, in addition to other negative attributes.

<sup>170</sup> (Collins, 2001, pp. 410-11). See also Paul Gilroy's (2002, pp. 95-9) classic study.

<sup>171</sup> Letter, gender unknown, Birmingham, 27 April 1956, HO291/98.

<sup>172</sup> Letter, gender unknown, Walsall, 29 June 1956, HO291/96.

<sup>173</sup> Letter, female author, Middlesex, 18 July 1956, HO291/99. Webster explains that migrants to Britain from European colonies were not necessarily seen as 'white', but were also referred to as 'coloured', p. xvi.

<sup>174</sup> Letter, 'Widow in reduced circumstances and poor health', London, [no day] July 1956, HO291/99.

<sup>175</sup> Letter in response to Mary Wilson's case, 'An old age pensioner and a Conservative, God help us', unaddressed, received 3 June 1958, HO291/242.

## Conclusion

Letter writers and survey respondents who expressed pro-death penalty discourse in relation to concerns about safety reflected feelings of ontological insecurity. They worried about the pace of social change, interpreting it as a threat to established identities and norms. They expressed a desire for order, nostalgia for the past and perceived certain groups as harbingers of social decline. This shows strong continuities with late twentieth century and early twenty first century research on fear, anxiety, crime and social change and challenges explanations for these fears that are based on the experience of late modernity. As Katherine Beckett argues, it is 'unclear that daily life in late modern social conditions necessarily generates an inchoate and diffuse sense of insecurity and craving for order'.<sup>176</sup> A variety of historical conditions might engender such anxieties, including conflicts and tensions such as war, genocide and terrorism. Beckett posits that instead of inferring late modernity as the cause of ontological insecurity, it should be understood as 'one historical phase among many in which concern about order is relatively salient'.<sup>177</sup>

Indeed, continuities in concerns about order, especially the threat posed by 'dangerous' groups, and the perceived need for capital punishment as a deterrent, can be traced back to at least the eighteenth century.<sup>178</sup> Clergyman and philosopher, William Paley, argued that the existence of the death penalty for a wide range of crimes was necessary to ensure public safety.<sup>179</sup> Late eighteenth-century metropolitan newspapers focused on violent and frightening crimes in a way which was likely to provoke fear.<sup>180</sup> Newspaper inspired panics about violent street robbery erupted in the eighteenth and nineteenth centuries, with the 'garotting panics' of 1856 and 1862 being the most famous examples.<sup>181</sup> Pre-empting some of the letter writers quoted in this article by nearly a century, in 1862 *The Times* argued that the punishment for garotting was not harsh enough and that individuals would need to take their own measures for self-protection, such as carrying revolvers.<sup>182</sup>

Attention to the era which immediately precedes the putative changes to crime control and the way it was perceived by the public that took place in the 1970s unsettles the chronology that has been assumed in criminological work on crime, fear and late modernity. Drawing on the sociologist Reinhard

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<sup>176</sup> (Beckett, 2001, p. 920).

<sup>177</sup> Ibid.

<sup>178</sup> See (McGlynn, 1989, pp. 249-51).

<sup>179</sup> (Cummins, 1988, p. 67).

<sup>180</sup> (King, 2007, p. 103).

<sup>181</sup> (Wood, 2016, pp. 309-10).

<sup>182</sup> (Sindall, 1987, p. 356).

Bendix's work on the transition from 'traditional' to 'modern' societies,<sup>183</sup> Robert van Krieken argues that the problem with 'before' and 'after' explanations in relation to crime control is that many of the characteristics understood as typical of the 'after' period can be found in 'before'.<sup>184</sup> He contends that the aspects of social life seen as characteristic of late modernity should be viewed as resulting from long term processes rather than sudden changes, which enables appreciation of continuities. This provides a useful basis for comprehending mid twentieth-century pro-death penalty discourse expressed by members of the public and its relationship with anxieties about safety and insecurity. Their concerns about social change are reminiscent of those also expressed by individuals in the late twentieth and early twenty-first centuries, as well as in preceding eras. Seeing the postwar period as 'a taken for granted world of stasis and seeming permanency'<sup>185</sup> that contrasts sharply with our own more turbulent times ignores how, to individuals in the mid twentieth-century, their times could also be perceived as filled with turmoil and upheaval.

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<sup>183</sup> (Bendix, 1967).

<sup>184</sup> (van Krieken, 2008, p. 70).

<sup>185</sup> (Young, 2007, p. 1).

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